

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: STEEL ANTITRUST  
LITIGATION**

Case No. 08-cv-5214

Honorable James B. Zagel

**THIS DOCUMENT RELATES TO  
ALL DIRECT PURCHASER ACTIONS:**

*Standard Iron Works v. ArcelorMittal, et al.,*  
Case No. 08-cv-5214

*Wilmington Steel Processing Co., Inc. v.*  
*ArcelorMittal, et al.,* Case No. 08-cv-5371

*Capow, Inc. d/b/a Eastern States Steel v.*  
*ArcelorMittal, et al.,* Case No. 08-cv-5633

*MPM Display, Inc. v. ArcelorMittal, et al.,*  
Case No. 08-cv-5700

*REM Systems, Inc. v. ArcelorMittal, et al.,*  
Case No. 08-cv-5942

*Alco Industries, Inc. v. ArcelorMittal, et al.,*  
Case No. 08-cv-6197

*Gulf Stream Builders Supply, Inc. v.*  
*ArcelorMittal et al.,* Case No. 10-cv-4236

**PLAINTIFFS' STATUS REPORT**

In anticipation of the September 1, 2010 status conference with the Court, Direct Plaintiffs ("Plaintiffs") respectfully submit this report concerning the status of certification discovery.

**1. US Steel & Gerdau**

Since the last status conference on July 19, 2010, Plaintiffs have continued to focus their efforts on US Steel and Gerdau, the two defendants selected to produce senior management discovery in the first instance. Although the pace of US Steel and Gerdau's document productions since the July status conference has been modest, both defendants maintain that they are on track to complete their productions by their respective deadlines (Gerdau 9/30/2010; US Steel 10/29/2010).

US Steel has not produced any documents since June 11, 2010, although US Steel has advised that it intends to produce a large number of documents – including files from ITC proceedings, custodial files and its transactional database – by or before the September 1 status conference. To date, US Steel has produced approximately 407 documents totaling approximately 15,000 pages. The US Steel production to date consists entirely of the materials that all defendants committed to produce under their proposed case management order – business plans, periodic business reports, sample contracts etc. US Steel has yet to produce any documents from the agreed list of senior management. US Steel also has not produced its transactional data.

Gerdau's last production to date was August 2, 2010. Gerdau has produced approximately 4063 documents to date totaling approximately 50,000 pages. Of these documents, approximately 200 represent Gerdau's production pursuant to the defendants' proposed case management order; the vast remainder are paper files from the company's senior management. Gerdau has advised that it intends to produce another 2000 documents by or before the September 1 status conference – again largely documents from the company's senior management team. Also, Gerdau finished its data production as of July.

Plaintiffs have been and will continue to review documents produced by US Steel and Gerdau as the documents are produced. Plaintiffs have and will continue to raise document-specific issues directly with US Steel and Gerdau so as to minimize the burden on this Court. After Plaintiffs have had a chance to review the senior management productions from Gerdau and US Steel, as well as the unilateral productions of the other six defendants, plaintiffs will seek a prompt opportunity to discuss with the Court the need to apply the senior management discovery template to the other defendants.

## **2. The Other Six Defendants**

With regard to the other six Defendants, all have represented that by or before the September 1, 2010 status conference they will have substantially completed the document productions they intend to make pursuant to Defendants' proposed case management order, with only modest cleanup remaining. Several of these defendants have also finished producing the data they deem relevant to certification and the rest have indicated that they will be done by the middle of September.

In general, the productions by each of these six defendants are very similar in terms of content and quantity. Apart from the transactional data, each defendant produced between 200 and 1200 documents, including organization charts, selected periodic reports, and business plans. Some defendants also included relevant strategy and planning documents that were presented to that company's board of directors. Others declined to search for and produce such materials or represented that there were no relevant board documents. The charts below show in more detail the substantially complete productions from each of the six defendants that to date have not been required to produce custodial documents:

**ArcelorMittal**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
4/27/2010	AM-000000001 – 881 AM SA-100000001-- 35	77	Org charts, certain periodic reports, list of trade proceedings
5/11/2010	AM-000000882 – 4220	232	Periodic reports, business plans, financial data, certain board documents
6/2/2010	AM-000004221 – 4305	85	
7/12/2010	AM-000004306 – 5354	135	
8/19/2010	AM-000005355 – 5534	45	Sample contracts; production data
		<b>Total 574</b>	

**Nucor**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
4/27/2010	NC00000001 –7634	764	Monthly financials and data reports. “Green Book” market report for August 2006-2008.
6/14/2010	NC00007635 – 9009	170	Yearly strategy slideshow for 2004-2006; org charts & policies; board reports (principally M&A related); price increase letters, price lists, native financial/sales reports
7/20/2010	NC00009010 – 9990	24	Sample sheet contracts, 2007-2009; yearly strategy slideshow for 2007, 2008, 2009; board M&A reports.
8/3/2010	NC00009438 – 9990		Native versions of board presentations from 7/20/10 production
	NC00009991	1	Transactional data
8/19/2010	NC00009992 -- 10310 NC00010311	91	Sample contracts; production data; price announcements; transaction data
		<b>Total 1,050</b>	

**Steel Dynamics**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
5/11/2010	SDI000000001 – 343	91	Hard data reports, financials, retention policy, sample contracts, small number of board reports
6/15/2010	SDI000000344 – 9329	558	
6/17/2010	SDI000009330 -- 10425	328	
7/16/2010	SDI000010426 – 10717	74	
		<b>Total 1,051</b>	

**Commercial Metals**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
5/11/2010	CMC000000001 – 25481	394	Org charts, trade cases, voluminous financial reports
6/15/2010	CMC00025482 – 25607	27	sample contracts
6/28/2010	CMC00025608 – 26000	29	monthly cost, production, sales, price reports (data)
7/16/2010	CMC00026001 – 26160	28	2005 strategic plan ; narrative quarterly reports to board for 2004-2008
		<b>Total 478</b>	

**SSAB**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
5/3/2010	SSAB00000001 – 617	64	Sample reports, meeting agendas, org charts, selected board minutes, master supply agreement
6/11/2010	SSAB0000618 – 5895	995	Collection of periodic reports: weekly reports, board reports, commercial team meetings, financial reports (native format).
8/13/2010	SSAB0005896-5916	28	Detailed cost, production and financial reports
		<b>Total 1,087</b>	

**AK Steel**

<b>Production Date</b>	<b>Bates Range</b>	<b># of Documents</b>	<b>Description</b>
5/12/2010	AKS-00000001 – 375	4	2004 business plan; sample weekly report; org charts; production data
7/16/2010	AKS-00000376 – 1643	88	2005-2008 business plans
7/20/2010	AKS-00001644 – 2876	176	2004-2008 weekly reports
		<b>Total 268</b>	

**3. Non-party Certification Discovery**

In early August, Plaintiffs served six non-party subpoenas seeking documents relevant to certification. The entities that received these subpoenas were the Steel Manufacturers Association, the American Iron & Steel Institute, World Steel Dynamics, the Association for Iron & Steel Technology, the Metals Service Center Institute, and Michelle Applebaum Research. Plaintiffs have begun the process of conferring with these non-parties regarding the scope of these subpoenas.

**4. Discovery from Plaintiffs**

Plaintiffs have produced a substantial number of documents. The parties continue to negotiate regarding a few outstanding issues. Plaintiffs are unaware of any issues regarding their production that need to be raised with the Court at this time.

\* \* \* \* \*

Respectfully Submitted,

Dated: August 27, 2010

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of August, 2010, I caused a true and correct copy of the foregoing **Status Report** to be filed and served electronically via the Court's CM/ECF system upon all registered users. A true and correct copy is also being served via first-class mail, postage prepaid, upon the following who are not registered ECF users:

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